

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT WELLS  
FARGO BANK, N.A. AS SUCCESSOR BY MERGER TO WACHOVIA BANK, N.A. TO  
FORECLOSE ON 28 HILLCROFT RD, LANGHORNE, PA 19053**

Wells Fargo Bank, N.A. as successor by merger to Wachovia Bank, N.A. (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
  2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
  3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Carol A. Merchiore ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on October 13, 2017, ("Petition").

5. Debtor is currently obligated to Wells Fargo Bank, N.A. as successor by merger to Wachovia Bank, N.A., under the terms of a certain Prime Equity Line of Credit Agreement & Disclosure Statement, dated July 11, 2007, in the original principal amount of \$250,000.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a Home Equity Line of Credit Mortgage, dated of even date and of even amount, currently in favor of Wells Fargo Bank, N.A. as successor by merger to Wachovia Bank, N.A., with respect to certain real property owned by the Debtor located at 28 Hillcroft Rd, Langhorne, PA 19053 (hereinafter "Mortgaged Premises") and being recorded in Bucks County Recordings Office at Instrument Number 2008028700 on April 1, 2008 in the Office of the Recorder of Deeds in and for Bucks County, Pennsylvania ("Mortgage").

7. Debtor(s) executed a Creditor's home equity line of credit agreement (the "Debt Agreement") and agreed to be bound by its terms. The Debt Agreement is secured by a mortgage or deed of trust. Creditor is the original mortgagee/successor or beneficiary of the mortgage or deed of trust.

8. Debtor has failed to make post-petition mortgage payments for the past 3 months, as of December 4, 2018.

9. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

10. The total loan balance and the amount past due to Wells Fargo Bank, N.A. as successor by merger to Wachovia Bank, N.A. in post-petition arrearages are \$124,450.48 and \$1,332.91, respectively, as of December 4, 2018.

11. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Wells Fargo Bank, N.A. as successor by merger to Wachovia Bank, N.A. in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, Wells Fargo Bank, N.A. as successor by merger to Wachovia Bank, N.A. respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Wells Fargo Bank, N.A. as successor by merger to Wachovia Bank, N.A. in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter  
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Karina Velter, Esquire (94781)  
Kimberly A. Bonner (89705)  
Adam B. Hall (323867)  
Sarah E. Barngrover (323972)  
Manley Deas Kochalski LLC  
P.O. Box 165028  
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Attorneys for Creditor  
The case attorney for this file is Karina  
Velter.  
Contact email is kvelter@manleydeas.com

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re:** : Case No.: 17-16965  
**Carol A. Merchiore** : Chapter 13  
Debtor(s) : Judge Ashely M. Chan  
\*  
  
**Wells Fargo Bank, N.A. as successor by** : Date and Time of Hearing  
**merger to Wachovia Bank, N.A.** : Place of Hearing  
Movant, : January 8, 2019 at 11:00 a.m.  
vs :  
U.S. Bankruptcy Court  
Carol A. Merchiore : 900 Market Street, Courtroom #4  
William C. Miller : Philadelphia, PA, 19107  
Respondents. :

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Wells Fargo Bank, N.A. as successor by merger to Wachovia Bank, N.A. to foreclose on 28 Hillcroft Rd, Langhorne, PA 19053 of Property was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,  
Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105

Brad J. Sadek, Attorney for Carol A. Merchiore, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on December 6, 2018:

Carol A. Merchiore, 28 Hillcroft Road, Feasterville Trevose, PA 19053

Carol A. Merchiore, 28 Hillcroft Rd, Langhorne, PA 19053

DATE: 12/6/18

/s/ Karina Velter

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